



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/801,572

03/17/2004

Chris P. Hahn

250392US67CONT

2737

22850

7590

10/04/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT

PAPER NUMBER

2192

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,572

Applicant(s)

HAHN ET AL.

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 3/17/04.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the application filed March 17, 2004.
2. Claims 1-20 have been examined.

Priority

3. Since this application is a continuation of application no. 09/702,989, the priority date considered for this application is November 1, 2000.

Oath/Declaration

4. The Declaration for Patent Application no. 09/702,989, the parent application of the instant application, filed November 1, 2000, is defective because at page 1 of 3, it shows an incorrect Application Serial No., 09/202,989 instead of 09/702,989.

Information Disclosure Statement

5. The Office acknowledges receipt of the Information Disclosure Statement filed March 17, 2004. It has been placed in the application file and the information referred to therein has been considered.

Drawings

6. The drawings filed March 17, 2004 are accepted by the examiner.

Specification

7. The specification is objected to because of the following minor informalities:

The use of trademarks, such as ActiveX, Webula, JavaScript, VB Script, Netscape, Internet Explorer (p. 5); Digital Integrator (p. 6); Visual Basic, FoxPro, Java (p. 9); Windows, Unix, Linux (p.10); Internet Explorer, Netscape (p.11) have been noted in this application ([0130], line 5). Trademarks should be capitalized wherever they appear and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in a manner which might adversely affect their validity as trademarks.

To expedite correction on this matter, the examiner suggests the following guidelines for Applicant to follow in amending the specification:

- i. capitalize each letter of a trademark or accompany the trademark with an appropriate designation symbol, e.g., TM or ®, as appropriate;
- ii. use each trademark as an adjective modifying a description noun.

For example, it would be appropriate to recite “the JAVA platform” or “the JAVA programming language.” Note that in these examples, “platform” and “programming language” provide accompanying generic terminology, describing the context in which the trademark is used. By itself, the trademark JAVA specifies only the source of the so-labeled products, namely SUN Microsystems, Inc.

Double Patenting

8. The non-statutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper time wise extension of the “right to

exclude” granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ 2d 2010 (Fed. Cir. 1993); *In re Long*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1993); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Voge*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.103(c) 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.37(b).

9. Claims 1+4, 9, and 15 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 9 and 14, respectively of U.S. Patent No. 6,725,446.

Instant Claim 1 + 4	Patent Claim 1
A computer program product, comprising: a computer storage medium and a computer program code mechanism embedded in the computer storage medium for causing a computer to integrate plural information streams, within a middleware component, the computer program code mechanism comprising:	A computer program product, comprising: a computer storage medium and a computer program code mechanism embedded in the computer storage medium for causing a computer to integrate plural information streams, the computer program code mechanism comprising:

a first computer code device configured to receive information from plural real-time information sources;	a first computer code device configured to receive information from plural real-time information sources;
a second computer code device configured to receive a sub-portion of non-real-time information;	a second computer code device configured to receive and track real-time information items of currently active windows of plural active clients;
a third computer code device configured to deliver the information from the plural real-time information sources with higher priority than the sub-portion of non-real-time information; and	a third computer code device configured to receive a sub-portion of non-real time information;
a fourth computer code device configured to retrieve a remainder of the non-real-time information upon user request.	a fourth computer code device configured to deliver with higher priority than the sub-portion of non-real-time information only the real-time information items of currently active windows of plural active clients; and
... a fifth computer device configured to respond to a user selecting the headline (instant Claim 4)	a fifth computer code device configured to retrieve a remainder of the non-real-time information upon user request.

As can be seen from the table, instant Claim 1+4 appears to be anticipated by Patent Claim 1.

Claims 2-3 and 5-8, which depend from Claim 1, are also rejected for the same reasons.

Instant claim 9	Patent claim 9
------------------------	-----------------------

A computer system utilizing a middleware layer, the middleware layer comprising:	A computer system utilizing a middleware layer, the middleware layer comprising:
means for receiving information from plural real-time information sources:	means for receiving information from plural real-time information sources;
means for receiving a sub-portion of non-real-time information;	means for receiving and tracking real-time information items of currently active windows of plural active clients;
means for receiving a sub-portion of non-real-time information;	means for receiving a sub-portion of non-real-time information;
means for delivering the information from the plural real-time information sources with higher priority than the sub-portion of non-real-time information;	means for delivering with higher priority than the sub-portion of non-real-time information only the real-time information items of currently active windows of plural active clients; and
means for retrieving a remainder of the non-real-time information upon user request.	means for retrieving a remainder of the non-real-time information upon user request.

As can be seen from the table, the invention recited in instant Claim 9 appears to be a variant of that recited in Patent Claim 9.

Claims 10-14, which depend from Claim 9, are also rejected for the same reasons.

Instant Claim 15	Patent Claim 14
A computer-implemented method for processing information in a middleware layer, the method comprising:	A computer-implemented method for processing information in a middleware layer, the method comprising:
receiving information from plural real-time information sources;	receiving information from plural real-time information sources; receiving and tracking real-time information items of currently active windows of plural active clients;
receiving a sub-portion of non-real-time information;	receiving a sub-portion of non-real-time information;
delivering the information from the plural real-time information sources with higher priority than the sub-portion of non-real-time information; and	delivering with higher priority than the sub-portion of non-real-time information only the real-time information items of currently active windows of plural active clients; and
retrieving a remainder of the non-real-time information upon user request	retrieving a remainder of the non-real-time information upon user request.

As can be seen from the table, the invention recited in instant Claim 15 appears to be a variant of that recited in Patent Claim 14.

Claims 16-20, which depend from Claim 15, are also rejected for the same reasons.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:05 am to 5:35 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



ANTONY NGUYEN-BA
PRIMARY EXAMINER

September 29, 2006